

Lewis Byrd,
Plaintiff.

DOC NO
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Case No. 17-CV-191-JDP

2018 APR 30 AM 11:09

v.

PETER OPPENEER
CLERK US DIST COURT
WD OF WI

Brandon Arenz,
Defendant.

Motion to Dismiss Summary For Judgement

I am writing this motion to dismiss Summary For Judgement and for the court to grant judgement for the Plaintiff under Rule 37 for Defendants failure to disclose discovery. Mr. Byrd has made several attempts to get Defendants fire arm certifications. Mr. Byrd even filed a motion to compel Defendant to produce this discovery and the court denied Mr. Byrd's motion to compel. The Defendant claimed they had given Mr. Byrd All of Defendants fire arm qualifications. And Now they are producing new discovery after Mr. Byrd has already filed his response to Defendants Summary for Judgement and proposed finding of facts based on the discovery given. A large part of Mr. Byrd's argument was based on Defendants fire arms qualifications. Mr. Byrd would of had a different argument if the discovery he asked for was not withheld; Defendants failure to disclose discovery was out of Bad Faith and willful disregard. Defendants failure to produce the requested discovery and leading the plaintiff and the court to believe that they produced All the requested discovery and then produce it after Mr. Byrd filed his Brief in response to Summary for Judgement is flagrant Bad Faith and callous disregard of their responsibilities. Mr. Byrd has made every attempt to receive these items. Mr. Byrd even filed a

motion to compel Defendant to produce such items and was told every thing was produced to Mr. Byrd by the Defendant.

MR. Byrd Respectfully ask the court to dismiss Defendants motion for summary for judgement for violation of Rule 26, 37(C)(1) and 37(B)(2C). And grant judgement by default against Defendant and any other violations the court deems appropriate.

Dated: 4/23/18

Signed: Lewis E Byrd 